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Letter dated 12 October 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report of Azerbaijan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale 5 October 2006 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Azerbaijan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) and has the honour to present herewith the fifth report of the Government of the Republic of Azerbaijan, prepared in compliance with paragraph 6 of resolution 1373 (2001) (see enclosure).

Enclosure

[Original: Russian]

Replies to comments and questions in connection with the fourth report submitted pursuant to Security Council resolution 1373 (2001)

1. Implementation of resolution 1373 (2001)

Pursuant to the Presidential Decree of 12 May 2006 a clause (art. 193.1) was added to the Criminal Code of the Republic of Azerbaijan introducing criminal liability for the "legalization of funds and other property acquired by criminal means". Thus national legislation now provides for the confiscation of money and other property acquired by criminal means in an act of "money-laundering".

As a result of the changes made to the law in accordance with international agreements the Criminal Code (art. 51.3) now reflects the concept of "value confiscation". A bill entitled "Combating the legalization of funds and other property acquired by criminal means and the financing of terrorism" was placed on the agenda of the upcoming session of the National Assembly and its adoption is imminent. The bill specifies a list of financial intermediaries required to report suspicious transactions and it also addresses such questions as the activities of a financial intelligence agency, the criteria and arrangements for reporting suspicious transactions, the freezing of assets, international cooperation, etc. The question of the creation of a financial intelligence agency will not be taken up until after the adoption of the bill.

Pursuant to article 307 of the Criminal Code failure to communicate information about the preparation or commission of a serious or particularly serious crime entails criminal liability in the form of deprivation of liberty for up to two years. The bill on combating the legalization of funds and other property acquired by criminal means and the financing of terrorism provides a full list of natural and juridical persons engaged in financial transactions who or which are required to report all suspicious transactions.

Article 214 (Terrorism) and article 214.1 (Financial terrorism) of the Criminal Code classify the crimes in question as serious and particularly serious respectively. Article 28.2 provides that the preparation of serious or particularly serious crimes entails criminal liability. Accordingly, article 51 (Confiscation of property) is generally applicable to property and other assets used in the preparation of a terrorist act or acquired for the purpose of committing a terrorist act.

With a view to enhancing their experience of combating money-laundering and the financing of terrorism members of the Working Group of the National Bank of the Republic of Azerbaijan on combating money-laundering participated recently in seminars and study courses organized with the support of a number of States and international bodies (Switzerland, USAID, IMF, Council of Europe). Azerbaijan has itself conducted seminars and courses attended by representatives of the relevant State bodies and by international experts.

Among the recent moves in the fight against international terrorism attention may be drawn to the creation of a biometric identification system. This system

consists of the compilation of a unified population database designed to international standards and the production of biometric passports. To this end an ad hoc State Commission was established by the Presidential Decree of 6 March 2006 and entrusted with the task of preparing a biometric identification system for submission to the President.

2. Implementation of resolution 1624 (2005)

Article 214 of the Criminal Code stipulates criminal liability for terrorist activity, yet the Code lacks a separate provision establishing criminal liability for incitement to terrorism. According to article 32.4 a person using recruitment, collusion, threats or other means to incite another person to commit an offence is regarded as an instigator and is subject to the same criminal liability as the perpetrator of the offence.

The country's legislation provides for a number of measures for identifying and verifying links to terrorist activity on the part of persons seeking asylum in Azerbaijan. The "Rules on consideration of applications for refugee status" set out measures for the identification of persons applying for refugee status, including fingerprinting, and the persons concerned are consigned to a holding centre while the information which they have given is checked. Information concerning such persons is transmitted to the Ministry of Foreign Affairs, and the Ministry of Internal Affairs and the Ministry of National Security carry out the necessary checks.

Pursuant to article 14 of the Citizenship Act, if a person applying for citizenship of Azerbaijan is found to have links to a terrorist activity the application is rejected.

Article 7 of the Immigration Act provides that a foreign national or stateless person shall be denied immigration to Azerbaijan if he or she may impair the security of the State or public order, has no identity papers, submits false documents or information in order to obtain an immigration permit, or has been convicted of a serious or particularly serious crime during the previous five years. Such persons are expelled from Azerbaijan in accordance with the procedures provided by law.

A number of measures to prevent the entry into Azerbaijan of persons guilty of incitement to commit a terrorist act or acts are carried out under bilateral and multilateral cooperation arrangements. For example, in accordance with the 2005-2007 Programme of Cooperation of the States members of the Commonwealth of Independent States (CIS) to combat terrorism and other aggressive manifestations of extremism all information concerning wanted persons and organizations having links to terrorist groupings is gathered together in the CIS Anti-Terrorist Centre.

Cooperation is also proceeding between the countries members of the GUAM Organization for Democracy and Economic Development on the establishment of the national segments of the Virtual Centre, a data analysis facility providing for swift exchange of operational information in the fight against terrorism and other forms of organized crime. Exchanges of information between States have helped to prevent many attempts to enter Azerbaijan by persons suspected of inciting terrorist activities.

Appropriate action is also being taken to prevent terrorist acts motivated by extremism and intolerance and to ensure the comprehensive investigation of crimes.

including the arrest and prosecution of terrorists. In addition there are awareness-raising activities (appearances by experts, influential and respected public figures, and religious leaders) designed to recruit the public's support and boost its vigilance in the fight against terrorism. An international religious conference on the fight against terrorism and extremism was held in Baku in March 2006; it was attended by representatives of most of the Islamic States and was widely reported by local and overseas media.